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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/398,612 09/16/99 HEJNA

D TSM-SC-CIP

MICHAEL B EINSCHLAG  
25680 FERNHILL DRIVE  
LOS ALTOS HILLS CA 94024

WM01/1003

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

10/03/01

*4*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*SM*

# Office Action Summary

Application No.

09/398,612

Applicant(s)

Hejna, Donald

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard et al (US Patent No. 5,924,068).

3. Regarding claims 8 and 9, Richard et al teach an electronic news receiving device that receives text data for an electronic edition of a newspaper and allows the user to determine which articles are read and vary the rate at which the articles are read. The device of Richard et al implements

4. Accessing and retrieving an electronic newspaper at a particular time at col. 8, lines 4-27

5. Obtaining a user specified presentation rate and altering the presentation rate of the retrieved articles at the Abstract and col. 19, lines 9-12

6. Retrieving and presenting several user specified articles at col. 9, line 63 continuing to col. 10, line 2.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al in view of Oikawa et al (US Patent No. 5,396,577).

9. Regarding claims 1-7 and 10-13, Richard et al teach

Presenting the retrieved electronic newspaper at col. 9, line 63 – col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 – col. 5, line 4

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikawa et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

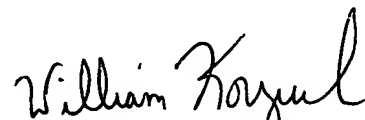
11. Cragun et al (US Patent No. 5,859,662) disclose an apparatus and method for selectively viewing video information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 703-305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA  
September 30, 2001

  
**WILLIAM KORZUCH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**